

State of California

Department of Education

LAST MINUTE MEMORANDUM

DATE: July 7, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 24

SUBJECT: Mathematics and Reading: Professional Development Program (AB 466):
Adopt Title 5 Regulations

The purpose for the regulations is to ensure that program funding is allocated to participating local educational agencies on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides who may receive high-quality professional development in reading/language arts and mathematics.

The regulations limit reimbursement to local educational agencies for teachers successfully completing training to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area (reading/language arts and mathematics) for each teacher eligible to receive instruction as set forth in *Education Code* Section 99233 and Title 5, *California Code of Regulations*, Section 11981.

Based on written input received during the required 45-day public comment period, the California Department of Education (CDE) now proposes that the State Board of Education:

- (1) Amend the draft Regulations as proposed in Attachment 2 (proposed amendments appear in bold);
- (2) Direct the CDE to send out the amended regulations for a 15-day public comment period in accordance with the Administrative Procedure Act; and
- (3) Place the amended regulations on the State Board's September 2004 agenda for action following consideration of any public comments that may be received.

[Attachment 1](#): Proposed Final Statement of Reasons (2 Pages)

[Attachment 2](#): Revised Regulations (2 Pages)

**PROPOSED FINAL STATEMENT OF REASONS
Mathematics and Reading Professional Development Program (AB 466)**

UPDATE OF INITIAL STATEMENT OF REASONS

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 99236, *Education Code*

Reference: Sections 99233, 99234(g), and 99237(b), *Education Code*

The purpose for the regulations is to ensure that program funding is allocated to participating local educational agencies on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides who may receive high-quality professional development in reading/language arts and mathematics.

The regulations limit reimbursement to local educational agencies for teachers successfully completing training to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area (reading/language arts and mathematics) for each teacher eligible to receive instruction as set forth in *Education Code* Section 99233 and Title 5, *California Code of Regulations*, Section 11981, with certain exceptions.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MAY 21, 2004 THROUGH JULY 6, 2004.

Comment: Sharon Van Vleck, Director, Elementary Curriculum, and Rebecca Brown, Coordinator, Elementary Curriculum, Sacramento City Unified School District, and Ronni Ephraim, Chief Instructional Officer, Los Angeles Unified School District, via letter, and Sandra Lam, Teaching and Learning Department, San Francisco Unified School District, via e-mail, commented that the proposed regulations should allow local educational agencies to receive reimbursement for training the same teacher more than once per subject area (reading/language arts and mathematics) in the following situations: if a district changes the instructional materials program, if there is a change in grade-level assignment, and if there is more than one instructional materials program assignment for teachers with a single-subject credential.

In addition, the writers recommended that the proposed changes for teachers should also apply to paraprofessionals and instructional aides.

Response: The proposed regulations will be revised to allow the Superintendent of Public Instruction to award funding to local educational agencies for the provision of professional development to eligible teachers as listed below, if funding is available at the end of a fiscal year:

- (1) The local educational agency has changed its adopted instructional materials program and approved training is available for the new program;
- (2) The teacher's assignment has changed by more than two grade levels;
- (3) The teacher's course assignment has changed to an area in which the teacher has not previously received the applicable training..

Comment: Dr. Louise Bay Waters, Associate Superintendent, Student Achievement, Oakland Unified School District, via letter, commented that the proposed regulations should allow local educational agencies to receive reimbursement for training the same teacher more than once per subject area (reading/language arts and mathematics) for teachers switching from an older version of a State Board of Education adopted instructional materials program to a newer version of that program.

Response: Section 11983.5 "Definition of Instructional Materials...Otherwise Authorized by the State Board of Education" (*California Code of Regulations*), already provides a mechanism for districts using older versions of State Board of Education adopted instructional materials to add components so that these materials can be retained and used in the classroom. Local educational agencies can then use these updated instructional materials to qualify for AB 466 reimbursement.

ALTERNATIVES DETERMINATION

The Superintendent has determined that no alternative would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

REGULATIONS TO BECOME EFFECTIVE UPON FILING

It is important that these regulations become effective as soon as possible to ensure that program funding is allocated to participating local educational agencies on an equal basis.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 21. Mathematics and Reading Professional Development Program

Amend Sections 11981 and 11985 to read:

§ 11981. Teacher Eligibility.

In addition to those identified in Education Code Section 99233, ~~(a)~~ Teachers who
hold a multiple-subject credential, whose primary assignment is to teach in a classroom
that is not self-contained, and who are employed in a public school, will be eligible to
receive instruction in mathematics if their primary teaching assignment is mathematics
and/or science and may receive instruction in reading/language arts if their primary
teaching assignment is reading/language arts or social science.

Note: Authority cited: Section 99236, *Education Code*. Reference: Section 99233,
Education Code.

§ 11985. Participation Requirement.

(a) The Superintendent of Public Instruction shall award funding to local educational
agencies for each participant that fully meets the hour requirements of the Mathematics
and Reading Professional Development Program (Article 3, Chapter 5, of Part 65 of the
Education Code [Sections 99234(h) and 99237(b)] and Subchapter 21, Chapter 11,
Division 1 of Title 5, California Code of Regulations [Section 11980(c)]).

(b) Beginning in 2004-05 fiscal year, such funding shall be limited to one 120 hour
sequence of professional development divided into 40 hours of initial training and 80
hours of follow-up professional development per subject area for each teacher eligible
to receive instruction as set forth in Education Code Section 99233 and Title 5,
California Code of Regulations, Section 11981.

(c) Beginning in 2004-05 fiscal year, such professional development funding shall
be limited to one training per subject area for each paraprofessional and instructional
aide eligible to receive instruction as set forth in Education Code Section 99233.

1 **(d) Notwithstanding subdivision (b), if funding is available at the end of a**
2 **fiscal year, the Superintendent of Public Instruction shall also award funding for**
3 **additional professional development training to eligible teachers if any of the**
4 **following conditions apply:**

5 **(1) The local educational agency has changed its adopted instructional**
6 **materials program and approved training is available for the new**
7 **program.**

8 **(2) The teacher's assignment has changed by more than two grade levels.**

9 **(3) The teacher's course assignment has changed to an area in which the**
10 **teacher has not previously received the applicable training.**

11 **(e) If no funding is available at the end of a fiscal year, the Superintendent of**
12 **Public Instruction shall not award funding for additional professional**
13 **development training pursuant to subdivision (d).**

14 Note: Authority cited: Section 99236, *Education Code*. Reference: Sections 99233,
15 99234(h), and 99237(b), *Education Code*.